

REMARKS

Claims 61, 63-69, 71-74, and 78-83 are now pending. Claims 1, 55-60, and 75-77 have been deleted without prejudice or disclaimer. Claim 69 has been amended to recite the sfp gene from *Bacillus subtilis*. In addition, the dependencies for claim 80 and 83 have been amended to claims 78 and 81, as the Examiner kindly suggested.

Applicants appreciate the Examiner's indication that the objections to the specification, as well as the rejections under 35 U.S.C. §112, second paragraph, and 35 U.S.C. §112, first paragraph, with respect to claims 58, 61, 64-69, and 72-74, have been withdrawn. The applicants also appreciate the Examiner's withdrawal of the rejection under 35 U.S.C. §102.

Applicants traverse the rejection of claim 1, 55, 58-60, and 69-74 under 35 U.S.C. §112, first paragraph, written description, and request reconsideration. The applicants have recited the sfp gene from *Bacillus subtilis* in claim 69, and have deleted claims 1, 55, and 58-60. Therefore, this rejection may be properly withdrawn.

The deletion of claim 58 has mooted the rejection under 35 U.S.C. §112, first paragraph. Thus, this rejection may be properly withdrawn.

Applicants traverse the rejection of claims 1, 55, 56, 59, and 60 under 35 U.S.C. §103 as allegedly obvious over Santi and Barr. The cancellation of these claims has rendered this rejection moot, and therefore this rejection may be properly withdrawn.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicants petition for any required relief including extensions of time and

authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 286002021100. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: July 20, 2004

Respectfully submitted,

By 

Carolyn A. Favorito

Registration No.: 39,183

MORRISON & FOERSTER LLP

3811 Valley Centre Drive, Suite 500

San Diego, California 92130

(858) 720-5195